THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition (M/S) No. 304 of 2006

(Under Article 227 of the Constitution of India)

Smt Suraksha Kaushal W/O Late Sri G.D. Kaushal,
R/O New Haridwar Colony, Tehsil and District
Haridwar.

… Petitioner.

Versus

1. Judge Small Cause Court/ Civil Judge (S.D.)
   I.F.T.C. Haridwar,
2. Yashpal Vinayak S/o Sri S.D. Vinayak,
   Resident of Mama Pestry Shop Opposite Harikripa,
   Filling Station, Naya Haridwar Colony, Jwalapur,
   Pargana Jwalapur, Tehsil and District Haridwar.

… Respondents

Sri Lalit Tiwari, learned counsel for the petitioner.
Sri Nand Prasad, Learned Standing Counsel for the respondent No. 1.

Dated March 28, 2006

PC:
(Hon'ble B.S.Verma, J.)

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction in the nature of mandamus commanding the respondent no. 1 to decide the S.C.C. Suit No. 02 of 2003 Smt. Suraksha Kaushal Vs. Yashpal Vinayak, pending disposal in his court, expeditiously.

The record of the case shows that the petitioner filed S.C.C. Suit No. 2 of 2003 for recovery of rent and eviction againt the respondent no. 2 in the court of respondent no. 1. % The respondent no. 2 has already filed written statement in the trial court and issues were framed on 25.2.2004. The defendant-respondent is adopting delay tactics to prolong the proccedings.

Hence the proceedings of the suit have not been concluded. The petitioner is stated to be 65 of years of age.

In the facts and circumstances of the case and taking into consideration the fact that the suit pending for disposal before the respondent no. 1 is of Small Cause Court jurisdiction and the petitioner is an old lady, it is a fit case in which direction for expeditious disposal be issued to the respondent no. 1.

The learned J.S.C.C./Civil Judge (Senior Division)/ I F.T.C. Haridwar is directed to decide the S.C.C. Suit No. 2 of 2003 Smt. Suraksha Kaushal Vs. Yashpal Vinayak pending disposal in his court preferably within a period of six months from the date of production of certified copy of this order on merit.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP